

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICK P. SMITH,

No. C 07-3045 WHA (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

PERRY, A., et al.,

Defendants.

This case was opened when an envelope was received from plaintiff, an inmate of the Contra Costa County Jail, containing three letters of complaint about events at the jail. In an effort to protect plaintiff's rights, they were treated as an attempt to open a new civil rights case.

Because the letters were not accompanied by a filing fee or application for leave to proceed in forma pauperis ("IFP"), the clerk sent plaintiff a notice to that effect, along with an IFP form and a return envelope. Plaintiff filed the IFP application, which suggested that he did indeed intend this to be a new case. The Court thus dismissed the "complaint" with leave to amend on the form for prisoner Section 1983 complaints. Plaintiff has done so.

In the amended complaint plaintiff's description of his claim is: "[w]ill send copies of incident report A.S.A.P. Have sent grievance letter copy wrote to board of supervisors, superior court, Lt. Schuler and U.S.D.C." This in no way, shape or form is sufficient to state a claim for relief under Section 1983. *See West v. Atkins*, 487 U.S. 42, 48 (1988) (to state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged deprivation was

1 committed by a person acting under the color of state law). Plaintiff was afforded an
2 opportunity to state his claim and has failed to do so.

3 This case is **DISMISSED** for failure to state a claim. The clerk shall close the file.
4

5 **IT IS SO ORDERED.**

6
7 Dated:



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE